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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,572	12/08/2005	Joseph M. Petrozicello	0910-00111US	1063
51946 7590 08/20/2007 SEATTLE GENETICS, INC. 21823 30TH DRIVE SE BOTHELL, WA 98021			EXAMINER NATARAJAN, MEERA	
			ART UNIT 1643	PAPER NUMBER
			MAIL DATE 08/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,572	<b>Applicant(s)</b> PETROZIELLO ET AL.	
	<b>Examiner</b> Meera Natarajan	<b>Art Unit</b> 1643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,27-31,35,38-40,100-102,111,116 and 117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1,5-8,27-31,35,38-40,100-102,111,116 and 117 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1, 5, 7, and 8 in part, drawn to a method for diagnosing cancer in a subject comprising detecting or measuring an SGA-56M gene product in a sample derived from said subject, wherein said gene product is a **nucleic acid**.

Group II, claim(s) 1, 6 and 8 in part, drawn to a method for diagnosing cancer in a subject comprising detecting or measuring an SGA-56M gene product in a sample derived from said subject, wherein said gene product is a **protein**.

Group III, claim(s) 27, 29, 31, 35 and 38-40 in part, drawn to a method for treating a cancer in a subject, comprising administering to the subject a therapeutically effective amount of a compound capable of antagonizing expression and/or activity of an SGA-56M gene product, wherein said gene product is a **protein**.

Group IV, claim(s) 27, 28, 30, 31, 35 and 38-40 in part, drawn to a method for treating a cancer in a subject, comprising administering to the subject a therapeutically effective amount of a compound capable of antagonizing expression and/or activity of an SGA-56M gene product, wherein said gene product is a **nucleic acid**.

Group V, claim(s) 100-102, 111, and 117 in part, drawn to an immunogenic composition comprising an isolated SGA-56M gene product in an amount effective to elicit an immune response, wherein said gene product is a **nucleic acid**.

Group VI, claim(s) 100, 102, 111, 116, and 117 in part, drawn to an immunogenic composition comprising an isolated SGA-56M gene product in an amount effective to elicit an immune response, wherein said gene product is a **protein**.

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2. The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of Group I is diagnosing cancer in a subject comprising detecting or measuring a nucleic acid molecule encoding the SGA-56M protein.

The special technical feature of Group II is diagnosing cancer in a subject comprising detecting or measuring the level of SGA-56M protein.

The special technical feature of Group III is treating cancer in a subject comprising administering to the subject a compound capable of antagonizing expression and/or activity of SGA-56M protein

The special technical feature of Group IV is treating cancer in a subject comprising administering to the subject a compound capable of antagonizing expression and/or activity of a nucleic acid molecule encoding the SGA-56M protein.

The special technical feature of Group V is an immunogenic composition comprising a nucleic acid molecule encoding the SGA-56M protein.

The special technical feature of Group VI is an immunogenic composition comprising an SGA-56M protein

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

1.) If Group I, IV, and V is elected the following species election is required:

Nucleic acid sequence encoding an SGA-56M protein: Claims 1, 5, 7, 27,

28, 30, 100

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A. SEQ ID NO 1

B. SEQ ID NO 2

C. SEQ ID NO 3

D. SEQ ID NO 4

2.) If Group II, III or VI is elected the following species election is required:

SGA-56M protein comprising: claims 1, 6, 27, 29, 100, 116

E. SEQ ID NO 5

F. SEQ ID NO 6

4.) If Group III or IV is elected the following species election is required:

Cancer: Claim 31

K. breast

L. lung

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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4. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the SEQ ID Nos listed above have different structures and functions and are not obvious variants of one another. The cancers listed above have different patient populations and method of treating.

5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

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or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meera Natarajan whose telephone number is 571-270-3058. The examiner can normally be reached on Monday-Thursday, 8:30AM-6:00PM, ALT. Friday. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MN

  
LARRY R. HELMS, PH.D.  
SUPERVISORY PATENT EXAMINER